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EPA, Region III, ORC  
R&C, PA/MD Section

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November 4, 1991

VIA TELECOPIER

Cynthia Nadolski, Esq.  
Office of Regional Counsel  
United States Environmental  
Protection Agency, Region III  
841 Chestnut Street  
Philadelphia, Pennsylvania 19107

Re: Palmerton Zinc Site

Dear Cynthia:

We spoke today about the joint proposal submitted by Paramount Communications Inc. and Zinc Corporation of America to sponsor certain removal action for lead at Palmerton. In a nutshell, the companies proposed to follow the Center for Disease Control's guidance on preventing lead poisoning in young children (October, 1991) by surveying the blood lead concentrations of Palmerton children and developing appropriate remedial strategies in accordance with the CDC guidance. You told me that Messrs. Erickson and Voltaggio have rejected our proposal, but did not say why. As we discussed, we believe the proposal to be a responsible and effective approach to addressing any concerns about the effects of lead in Palmerton. ZCA and Paramount put considerable effort into it, it was made in good faith and we believe it deserves a detailed response justifying EPA's outright rejection. Furthermore, a flat rejection appears to violate EPA's duty under CERCLA to negotiate where PRPs make a good faith proposal.

In any case, I request that EPA send ZCA its written detailed justification for refusing to accept or negotiate the ZCA/Paramount proposal. I also request that EPA keep ZCA advised

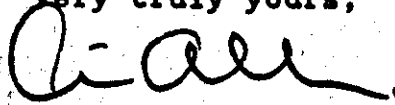
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Cynthia Nadolski  
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on its further intentions with respect to the subject of lead contamination in Palmerton.

Very truly yours,



James F. Allen

JFA/11c

cc: Robert P. Marshall  
David O. Carpenter  
Gary Wickham  
Thomas E. Janeck  
John J. McAleese

AR500130